Annex to the letter dated 2 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

Report prepared by Switzerland pursuant to Security Council resolution 1857 (2008)

By paragraph 7 of its resolution 1857 (2008), the United Nations Security Council called upon all States to report to the Committee established pursuant to resolution 1533 (2004) on the actions they have taken to implement the measures imposed by paragraphs 1 to 5 of the resolution.

Switzerland is implementing United Nations sanctions against the Democratic Republic of the Congo by means of the Federal Council (Swiss Government) Order instituting measures against the Democratic Republic of the Congo (hereinafter "the Order"). The Federal Act of 22 March 2002 on the implementation of international sanctions provides the legal basis for the Order, which entered into force on 23 June 2005.

Paragraph 1

Article 1 of the Order implements the arms embargo provided for in paragraph 1 of resolution 1857 (2008). In particular, the article prohibits all forms of assistance relating to military activities in the Democratic Republic of the Congo.

Paragraph 2

This paragraph concerns the Governments of the Great Lakes region.

Paragraphs 3 to 5

Article 2 of the Order provides for a freeze on the assets and financial resources belonging to or under the control of the persons, companies and entities cited in the annex to the Order. The making available of assets and financial resources is also prohibited. In accordance with article 4, the natural persons cited in the annex are prohibited from entering or transiting through Switzerland.

The annex to the Order lists the persons and entities designated by the Committee. At present the annex contains the names of 16 natural persons, six companies (including CAGL and GLBC) and one organization. The annex was last updated on 16 January 2009, pursuant to the amendments issued by the Committee on 19 December 2008.

Lastly, with regard to paragraph 15 of resolution 1857 (2008), Switzerland has posted on the Internet, for the attention of Swiss economic actors, recommendations intended to avoid any violation of the sanctions in connection with the purchase of, trade in or processing of minerals originating in the Democratic Republic of the Congo. For information, these recommendations are annexed to this report. In addition, the competent authorities have brought them directly to the attention of precious metal refineries on Swiss territory and of associations representing Swiss workers involved in the processing of and trade in minerals.

Enclosure

Recommendations intended to avoid the violation of sanctions in the purchase of, trade in or processing of minerals originating in the Democratic Republic of the Congo

15 January 2009

The Order of 22 June 2005 instituting measures against the Democratic Republic of the Congo (RS 946.231.12, hereinafter "the Order") implements United Nations Security Council sanctions. Article 1, paragraph 2, of the Order prohibits all forms of assistance relating to military activities in the Democratic Republic of the Congo.

The United Nations Group of Experts entrusted with monitoring sanctions against the Democratic Republic of the Congo states in its reports (http://www.un.org/sc/committees/1533/egroup) that armed groups present in the eastern part of the Democratic Republic of the Congo finance their activities through the sale of or taxation on minerals (e.g. coltan, gold, cassiterite, wolframite).

On 22 December 2008 the Security Council decided, in paragraph 4 (g) of its resolution 1857 (2008), that financial sanctions and travel restrictions should apply to persons and entities "supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources".

In accordance with paragraph 15 of resolution 1857 (2008), the State Secretariat for Economic Affairs (SECO) recommends, regarding the purchase of, trade in and processing of mineral products originating in the Democratic Republic of the Congo, that due care be taken with regard to the suppliers and the origin of these products. Companies may thereby avoid violating article 1, paragraph 2, of the Order and being the subject of financial sanctions and travel restrictions imposed by the United Nations Security Council.

The Group of Experts recommends the following procedure to ensure compliance with the duty of due diligence (S/2008/43, para. 85, 13 February 2008):

1. Before purchase, buyers must determine exactly which deposits the minerals for sale come from;

2. They should verify whether the mines in question are controlled or taxed by illegal armed groups;

3. They should refuse purchase if they know or suspect that the minerals come from deposits controlled or taxed by armed militias or if they know or suspect that the minerals have been taxed by illegal armed groups during transit to *comptoirs* (buying houses).

For further information, please do not hesitate to contact SECO, Sanctions Unit, Effingerstrasse 27, 2003 Bern; tel: 031 324 08 12; fax: 031 323 51 10; sanctions@seco.admin.ch.

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Security Council

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6 February 2009
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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 5 February 2009 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Belgium to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

Pursuant to paragraph 7 of Security Council resolution 1857 (2008), Belgium has the honour to transmit to the Committee the following information on the implementation of the measures imposed by paragraphs 1, 2, 3, 4 and 5 of that resolution.

Belgium and the other States members of the European Union have jointly implemented the restrictive measures imposed by resolutions 1807 (2008) and 1857 (2008) by adopting Council Common Position 2009/66/CFSP of 26 January 2009 amending Common Position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo.

Because resolution 1857 (2008) sets out additional criteria for the designation by the Committee established pursuant to resolution 1533 (2004) of individuals and entities subject to the assets freeze and travel ban, and renews until 30 November 2009 the measures imposed by resolution 1807 (2008), Common Position 2008/369/CFSP had to be amended. A Council regulation implementing the restrictions provided for in this common position will be adopted shortly.

With respect to the renewal, under paragraph 1 of resolution 1857 (2008), of the measures on arms imposed by paragraph 1 of resolution 1807 (2008), Belgium has legislation requiring that an export licence be obtained for any supply, sale, transfer or export of arms and related materiel to third countries. The law of 5 August 1991 on the import, export and transit of military and law enforcement arms, ammunition and materiel and related technology and on measures to combat trafficking in such items, as amended by the law of 26 March 2003, forbids any person residing in Belgium to take part in any arms transaction without a licence issued for that purpose by the Minister of Justice. The law further provides that licensees may not carry out any transaction in violation of an embargo declared by

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an international organization of which Belgium is a member (articles 10 and 11). Lastly, the same law provides that any export or transit licence application must be rejected if it is incompatible with Belgium's international obligations and its commitments to implement the arms embargoes declared by the United Nations, the Organization for Security and Co-operation in Europe and the European Union (article 4, paragraph 1(2)).

Paragraph 2 of resolution 1857 (2008) provides for the renewal of the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008). However, these measures concern only the countries of the region.

With respect to the financial measures imposed by paragraphs 3, 4 and 5 of resolution 1857 (2008), on 18 July 2005 the Council adopted Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo. This regulation has been amended to reflect the changes in the consolidated list of the Committee established pursuant to resolution 1533 (2004). As mentioned above, a Council regulation implementing the assets and economic resources freeze provided for in Common Position 2009/66/CFSP will be adopted in the near future.

The law of 13 May 2003 on the implementation of the restrictive measures adopted by the Council of the European Union against certain States, individuals and entities penalizes violations of measures adopted at the European level.

With respect to the travel measures imposed by paragraphs 3, 4 and 5 of resolution 1857 (2008), the consolidated list of the Committee established pursuant to resolution 1533 (2004) is communicated to Belgium's diplomatic and consular posts abroad with instructions not to issue visas to any of the individuals subject to sanctions. This denial of visas is based on article 5, paragraph 1 (e), of the Convention implementing the Schengen Agreement and on Common Position 2009/66/CFSP. If an individual whose name appears on the list were to seek entry at the border, the said individual would be refused entry in accordance with article 3 of the law of 15 December 1980 on foreign nationals' access to, stay and establishment in and departure from the territory of Belgium.

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Security Council

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23 February 2009
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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 18 February 2009 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

Pursuant to paragraph 7 of Security Council resolution 1857 (2008), France would like to transmit to the Committee the following information on the implementation of the measures imposed by paragraphs 1, 2, 3, 4 and 5 of that resolution.

As indicated by Belgium in its note verbale of 6 February 2009, the members of the European Union have jointly implemented the restrictive measures imposed by resolutions 1807 (2008) and 1857 (2008) by adopting Council Common Position 2009/66/CFSP of 26 January 2009 amending Common Position 2008/369/CFSP. A Council regulation implementing the restrictions provided for in this common position will be adopted shortly.

With regard to the renewal, under paragraph 1 of resolution 1857 (2008), of the measures on arms imposed by paragraph 1 of resolution 1807 (2008), France has legislation requiring that an export licence be obtained for any supply, sale, transfer or export of arms and related materiel to third countries.

The Defence Code, and in particular Ordinance No. 2004-1374 of 20 December 2004, establishes the rules for war materiel, arms and ammunition. The Decree of 20 November 1991 establishes the list of war materiel and related items subject to a special export control procedure. The Decree of 2 October 1992 sets out the procedure for the import, export and transfer of war materiel, arms, ammunition and related items.

The French system for controlling the export of arms is based on a principle of prohibition and provides for a series of authorizations and for ongoing inter-ministerial dialogue.

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Ordinance No. 2004-1374 of 20 December 2004, which is included in the Defence Code, establishes the general principle that the export of war materiel is prohibited except where authorized.

Transactions involving the export of war materiel are controlled at two stages:

- First at the signing of the export contract: any negotiation, effective sale, signing of a contract or acceptance of an order is subject to the prior approval of the Government of France. Prior approval is given by the Secretary-General for National Defence on behalf of the Prime Minister;
- The materiel can then be physically exported only after the Director-General of Customs has granted an authorization for the export of war materiel, with approval from the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Economic Affairs, Finance and Industry and the Secretary-General for National Defence on behalf of the Prime Minister.

The granting of prior approval for the signing of a contract does not oblige the French authorities to then authorize the export of the materiel in question.

France is party to all international instruments that provide for consultations on matters relating to arms exports. In particular, its export decisions are based on the criteria set out in international treaties, conventions, instruments or forums to which it is a party, notably the European Union Code of Conduct on Arms Exports adopted by the Council in 1998. France complies with the international embargoes decreed by the United Nations and the European Union against certain countries.

Paragraph 2 of resolution 1857 (2008) regarding restrictions on transport concerns only the countries of the region.

The financial measures imposed by paragraphs 3, 4 and 5 of resolution 1857 (2008) were implemented by Regulation No. 1183/2005, adopted by the Council of the European Union on 18 July 2005.

With respect to the travel measures imposed by paragraphs 3, 4 and 5 of resolution 1857 (2008), visas may be denied on the basis of the United Nations resolution alone. The names of the individuals included in the consolidated list of the Committee established pursuant to resolution 1533 (2004) are entered into the central watch register of the worldwide visa network, a register provided for in article 1 of the Decree of 22 August 2001, and communicated via the network to French diplomatic and consular offices abroad with instructions not to issue visas to the individuals subject to the sanctions.

France also denies visas on the basis of article 5, paragraph 1 (e), of the Convention implementing the Schengen Agreement and of Common Position 2009/66/CFSP of 26 January 2009.

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Security Council

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2 March 2009

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 26 February 2009 from the Permanent Mission of Serbia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Serbia to the United Nations presents its compliments to the Committee established pursuant to Security Council resolution 1533 (2004) and has the honour to forward, enclosed herewith, the report of the Government of the Republic of Serbia on measures taken to implement Security Council resolution 1857 (2008) (see annex).

09-25282 (E) 040309

Annex to the note verbale dated 26 February 2009 from the Permanent Mission of Serbia to the United Nations addressed to the Chairman of the Committee

Government of the Republic of Serbia: report on measures taken to implement Security Council resolution 1857 (2008)

Proceeding from its international obligations and domestic laws (the Law on Foreign Trade in Arms, Military Equipment and Dual-Purpose Goods, *Official Gazette of Serbia and Montenegro*, No. 7, 18 February 2005, and the by-laws incorporating the relevant criteria from the European Union Code of Conduct on Arms Exports; Law on the Transport of Dangerous Substances, *Official Gazette of the Socialist Federal Republic of Yugoslavia*, Nos. 27/90 and 45/90 and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 24/94, 28/96, 21/99, 44/99 and 68/02; Law on Trade in Explosive Substances, *Official Gazette of the Socialist Federal Republic of Yugoslavia*, Nos. 30/85, 6/89 and 53/91 and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 24/94, 28/96 and 68/02; and the Law on the Protection of the State Border of 23 October 2008, *Official Gazette of the Republic of Serbia*, No. 97/08), the Republic of Serbia has taken the following measures to implement paragraphs 1, 2, 3, 4 and 5 of Security Council resolution 1857 (2008), adopted on 22 December 2008:

- Prevention of the direct or indirect supply, sale or transfer from its territory of arms and related materiel of all types to all non-State actors in the Democratic Republic of the Congo;

- Prevention of the entry into or transit through its territory of the individuals the movement of whom has been restricted by the decision of the United Nations Committee on the Democratic Republic of the Congo established pursuant to paragraph 8 of Security Council resolution 1533 (2004), as well as the individuals designated under paragraph 13 of Security Council resolution 1807 (2008) and under paragraph 4 of Security Council resolution 1857 (2008);

- Notification, under paragraph 5 of Security Council resolution 1857 (2008), to the United Nations Committee on the Democratic Republic of the Congo, of each delivery, prior to its realization, of arms and related materiel, as well as all training assistance, with the undertaking to supply in the notification relevant information of the end-user, expected date of delivery and the border crossing in the Democratic Republic of the Congo at which the delivery will be carried out.

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 27 February 2009 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United Kingdom to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004), and has the honour to attach its report pursuant to paragraph 7 of resolution 1857 (2008) on the steps taken by the Government of the United Kingdom to implement paragraphs 1, 2, 3, 4 and 5 of resolution 1857 (2008) (see annex).

09-25332 (E) 050309

Annex to the note verbale dated 27 February 2009 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

United Nations Security Council Resolution 1857 (2008): Implementation Report by the United Kingdom

Introduction

1. Please see the relevant sections below for details of how the UK has implemented the measures in paragraphs 1, 2, 3, 4 and 5 of resolution 1857 (2008) within the UK's legal and administrative structure. The responsible Government department in the United Kingdom, the Foreign and Commonwealth Office, will ensure that details of individuals and entities designated with respect to these measures are transmitted to appr[illegible] government departments and posts overseas.

Assets Freeze

2. HM Treasury is responsible for implementing financial sanctions within the United Kingdom. The financial sanctions elements of sanctions on the Democratic Republic of Congo (DRC) are implemented through secondary legislation – in particular The Democratic Republic of Congo (United Nations Measures) Order 2005 (SI 2005/1517).
3. The UK maintains a dedicated Financial Sanctions area on the HM Treasury website. The pages include consolidated lists of individuals and entities subject to financial sanctions regimes currently in operation in the UK – both summary lists and lists for each separate financial sanctions regime. The pages are updated whenever changes are made either to a financial sanctions regime or to the targets of a regime. Notices are published on the website providing guidance on the requirements of Sanctions and drawing attention to any changes in targets. In addition, HM Treasury email updates to approximately 6,500 subscribers each time a new notice is added to the website and the list of targets is updated.

Travel Restrictions

4. The UK is applying a full travel ban on those persons named in the list of individuals subject to the measures imposed by paragraph 13 of Security Council resolution 1596 (2005) as renewed by paragraphs 3 and 5 of resolution 1857 (2008).
5. In order to implement the travel restrictions, the UK has placed the details of the individuals onto the UK's border "watch list". UK Border Agency staff are instructed to refuse those individuals entry to or transit through the UK, unless a specific exemption has been approved.
6. If a listed person enters or transits the UK, individual procedures have been put in place to ensure that the details are passed to the Committee.

Arms Embargo

7. The export control aspects of resolution 1493 (as amended by resolution 1533 and subsequent resolutions) are implemented through the following measures:

- The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003;
- The Trade in Goods (Control) Order 2003;
- The Trade in Controlled Goods (Embargoed Destinations) Order 2004.

8. Resolution 1493 (2003) and its subsequent amendments have been implemented further in the UK Overseas Territories by the Democratic Republic of the Congo (Restrictive Measures) (Overseas Territories) Order 2003 and the Democratic Republic of the Congo (United Nations Sanctions) (Overseas Territories) Order 2005.

EU Measures

9. The EU implemented Resolution 1493 (2003) and its subsequent amendments through a Common Position and Regulation. The current Council Regulation (EC) No 338/2005 concerning certain restrictive measures in respect of DRC was adopted on 13 June 2005 and has been subsequently amended by Council Regulation (EC) No 1337/2007 and Council Regulation (EC) No 666/2008.
10. The EU Regulation, which is directly applicable in all EU Member States, prohibit:
    - the provision of technical assistance related to military activities directly or indirectly to a non-government entity or person operating in the territory of the DRC;
    - the provision of financing or financial assistance related to military activities for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any non-government entity or person operating in the territory of the DRC.
11. The EU Regulation is implemented in the UK by the Export Control (Democratic Republic of Congo) Order 2005 (as amended), which provides for offences and penalties for breaches of the EU Regulation.
12. On 26 January 2009, the EU adopted Common Position 2009/66/CFSP concerning restrictive measures on the DRC. This Common Position extended the arms embargo until 30 November 2009 and introduced additional criteria for the designation of individuals or entities subject to an asset freeze or travel ban – as imposed by UNSCR 1857 (2008).

United Kingdom

27 February 2009